IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21403 of 2004

Between:

Smt. P. Santhi, E-402932, w/o Late P. Venkataramana ,
Kadapa Depot, R/o Kadapa, Kadapa District.

..... PETITIONER

AND

1. The APSRTC, Rep. by its Managing Director,
   Musheerabad, Hyderabad.
2. The APSRTC, Rep. by its Regional Manager,
   Kadapa Region, Kadapa.
3. The Secretary, APSRTC SBT Fund, O/o Managing Director,
   Musheerabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the proc.No. SBT-644/2003-04/402932, dated 5-10-2004 as illegal, unjust, contrary to the well established principles of law and as such liable to be set aside in the interest of justice by directing the respondents herein to pay the death benefits to the petitioner forthwith.

Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondent Nos.1 to 3: MR.P.VINAYAKA SWAMY

The Court made the following :

ORDER:

This writ petition is filed to declare the proceedings No.SBT-644/2003-04/402932 dated 05.10.2004 of the third respondent as illegal and arbitrary.

2. The case of the petitioner is that initially deceased workman by name P.Venkataramana filed I.D.No.103 of 2002 before the Chairman-cum-Presiding Officer, Labour Court, Ananthapur challenging his termination and seeking consequential reliefs, and after his death, his legal representatives came on record and contested the same. The Labour Court, vide its award dated 30.10.2003, ordered as follows:

> "The order of the respondent removing the deceased workman from service is declared as grossly disproportionate to the proved misconduct and the same is set aside. The respondent is directed to impose a punishment of deferment one annual increment without cumulative effect. The deceased workman shall be deemed to be in service till the date of his death and his legal heirs shall be paid pension and all other retiremental benefits. The 1st and 2nd petitioners may approach the Regional Manager, APSRTC and seek employment under Bread Winners Scheme and the Regional Manager, APSRTC., is directed to consider the case sympathetically and provide job under Bread Winners Scheme."

Thereafter, basing on the award of the Labour Court, the third respondent passed

the impugned proceedings dated 05.10.2004. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner contended that the award of the Labour Court is very clear that the petitioner is entitled to the death benefits of late P.Venkatramana, and therefore, necessary direction can be given to the respondents to pay the death benefits to her.

4. On the other hand, the learned Standing Counsel appearing for the respondents contended that even as per the award of the Labour Court, the legal representatives of the deceased workman are not entitled to the death benefits, but they are only entitled to the pension and other retirement benefits, and if the petitioner finds any ambiguity in the award of the Labour Court, she has to seek clarification from the Labour Court. Hence he prays to dismiss the writ petition.

5. The facts are in narrow compass. As seen from the impugned proceedings, the retirement benefits have been drawn in favour of the petitioner. This order is completely in conformity with the order passed by the Labour Court. But, however, the learned counsel for the petitioner contended that the petitioner is also entitled to the death benefits of the deceased workman. If there is any ambiguity, the same has to be clarified by the Labour Court. Therefore, a direction is given to the petitioner to approach the Labour Court and file appropriate application, which shall be considered within four months from the date of filing of the same.

6. With the above observation, the writ petition is disposed of. No costs.

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K.C.BHANU, J

23rd November, 2004.

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To

1. The Managing Director, APSRTC, Musheerabad, Hyderabad.
2. The Regional Manager, APSRTC, Kadapa Region, Kadapa.
3. The Secretary, APSRTC SBT Fund, O/o Managing Director, Musheerabad, Hyderabad.

4. The Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Ananthapur.

5. 2CD copies.